

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ADRIENNE WYNN,

Plaintiff,

No. 6:22-cv-01126-MK

v.

OPINION & ORDER

WALMART INC.,

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation (“F&R”) filed by Magistrate Judge Mustafa Kasubhai. ECF No. 28. Judge Kasubhai recommends that Plaintiff’s Motion for Award of Costs and Fees, ECF No. 15, be GRANTED and Plaintiff awarded \$16,380 in attorneys’ fees and \$830.95 in costs.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review.

See Thomas v. Arn, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Defendant did not file objections to Judge Kasubhai’s F&R. The Court has reviewed the record, including Plaintiff’s Motion for Fees, ECF No. 15; Defendant’s Response, ECF No. 23; and Plaintiff’s reply, ECF No. 24; and the F&R, ECF No. 28, and finds no error. The F&R, ECF No. 28, is therefore ADOPTED. Plaintiff’s Motion for Fees and Costs, ECF No. 15, is GRANTED according to the terms outlined in the F&R.

It is so ORDERED and DATED this 22nd day of March 2023.

/s/Ann Aiken
ANN AIKEN
United States District Judge